



Memorandum

Chuck Reed

TO: Mayor and City Council

SUBJECT: Sunshine/Open Government
Reforms

FROM: Chuck Reed

DATE: March 13, 2006

Many of the items proposed for the March 21, 2006 Council Meeting regarding Sunshine reforms and other issues are for the most part typical Open Government/Sunshine Ordinance. Yet, it is not complete and there is more that needs to be done to restore trust in our government.

Public trust in government is low and nothing feeds distrust more than secrecy. There are things we should do as a Council to rebuild a foundation for of trust in San Jose government. Open Government and conduct changes are a positive step towards regaining public trust. .

Recommendations:

1. Direct staff to bring back an ordinance implementing the following Sunshine reforms:
 - A. Incorporate all provisions of the draft ordinance presented by the San Jose Mercury News March 12, 2006 and posted online at www.mercurynews.com.
 - B. Adopt a Sunshine Ordinance that will make it easier for the public to know their rights and easier for the public to find out what the city is doing.
 - C. Prohibit late staff memos so that the public can have a better opportunity to respond to proposals and fully participate in the debate.
 - D. Require the Mayor and Councilmembers to disclose material facts before the Council takes action.
 - E. Require the Mayor and Councilmembers to disclose any political favors or other consideration they are to get in exchange for their votes.
 - F. Disclose all offers made to city unions for pay or benefit increases when the offers are made.
 - G. Disclose the names of people serving on advisory committees.
 - H. Make broader disclosures of what the Council does in closed sessions.
 - I. Prohibit closed door meetings for city task forces, commissions and committees.
 - J. Post notices for meetings of committees, boards, commissions and advisory bodies online in one place.
 - K. Disclose the salaries of all city employees by position.

- L. Disclose records of city employee disciplinary actions to the extent allowed by state law.
- M. Disclose actions taken on complaints received about fraud and abuse.
- N. Disclose appraisals used in the purchase or condemnation of property after the deal is done.
- O. Record all Council closed session meetings electronically and make the information available after the reason for secrecy has passed.
- P. Store archive copies of email in a form that will allow for easier public review.
- Q. Plug loopholes in the campaign financing ordinance that make it possible to contribute unlimited amounts of money in the form of paid campaign workers.
- R. Plug loopholes in the lobbyist ordinance that allow many lobbyists to avoid public disclosure of what they are doing.
- S. Disclose the calendars of the Mayor and Councilmembers.

2. In addition, direct staff to begin implementing the following:

Charter Changes

- A. Ask the voters to revise the Charter to make it easier to recall the Mayor and Councilmembers for violation of the Charter or the Oath of Office.

Oath of Office Changes

- B. Revise the Oath of Office to include a pledge to follow the Charter.
- C. Revise the Oath of Office to include a pledge to put service above self and an honor code: No lying. No cheating. No stealing.

Conduct Changes

- D. Require staff for Mayor and Councilmembers to sign a Code of Conduct.
- E. Prohibit Mayor and Councilmember interference with the decisions of City Boards and Commissions.
- F. Prohibit Mayor and Councilmember interference with the bidding and RFP process.
- G. Create a certified training program for Mayoral and Councilmember staff to ensure they are fully aware of laws and ethical standards so they can help their bosses follow the law.
- H. Hold regular public hearings on ethical issues around the state so we can learn from our mistakes and the mistakes of others.
- I. Revise our Ethics Code to specify that it is unethical for the Mayor and Councilmembers not to follow Council adopted policies without approval of the Council.
- J. Prohibit the Mayor and Councilmembers from revising draft staff reports without full disclosure.

Change to a Community Based Budget Process

- K. Start the budget process with a survey of the public in early January.
- L. Hold a Conference on Priorities with neighborhood associations in late January.
- M. Have Council hearings in February on New Initiatives and Unfunded Programs (NIUPS) and have the Council specify their spending priorities.
- N. Report the results in the Mayor's March Budget Message.

Other Changes

- O. Hold monthly hearings on the status of Council's directives to staff.
- P. Expand the City Auditor's staff to allow for more performance audits.

Chuck Reed

Chuck Reed
Councilmember

cc: City Clerk, City Attorney